

## FAY BLA MAR – 110426 Checklist Supplement

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### **April 19, 2011 Complaint Response:**

On 04/19/11 Joe Stitely and I (Brian Rodely) responded to a request by Washington County Conservation Police Officer Eric Charles concerning manure in a creek east of State Route 153 and crossing Jimtown Road in rural Oakdale, IL. We arrived at approximately 2:30PM and met with Charles on Jimtown Road where we followed him to an unnamed creek in a field crossing approximately ¼ mile south of Jimtown Road and ¼ mile west of Coolidge Road. The water in the creek appeared dark with an odor of livestock waste. We walked upstream of the creek over ¼ mile to the southwest until reaching a field ditch running straight west toward FAY BLA MAR Dairy where the water appeared very dark with manure solids in the field ditch. It was noted that clear water was present upstream to the southwest of the field ditch in the unnamed creek.

We walked the field ditch west approximately 500 feet where we observed a field that had recently been injected with liquid manure and surface applied with solids to the north. Drainage of the field application entered the field ditch from a swale of the applied field and from a small field ditch that runs north along what appeared to be a property boundary. Manure solids were noted in the north-south field ditch to the north where surface solid application had occurred and the east-west field ditch tributary to the unnamed creek. At that time I made contact with Blake Helbig using a cell phone and explained our location which was approximately ¼ mile directly east of the FAY BLA MAR Dairy. We were met by Blake and Marvin Helbig at the field edge where the manure appeared to have been washed into the field ditches from recent rainfall.

Blake and Marvin indicated that they had land applied the previous two days before a large precipitation event occurred where they received about 1.6 inches of rain in a very short time apparently washing some of the manure from the field into the field ditch which was dry during land application. The Helbigs utilized chiseling to maintain a buffer from the liquid umbilical injection applied area to absorb any liquid that may runoff from precipitation to the greatest extent possible. Surface application had not been incorporated prior to the rain event. It was noted that land application in relatively wet conditions was necessary this year due to the extraordinary rainfall received in the spring and the need to develop storage capacity. Blake accompanied us on a tour of the land application sites to the north to determine if other routes of manure entry to ditches were noted. There were no other routes of manure entry to field ditches or creeks noted from the land application sites of the contiguous field or fields located north of Jimtown Road.

Sampling was conducted on the west end of the east-west field ditch and in the unnamed creek on neighboring property. Sample A was taken in the unnamed creek approximately 50 feet upstream of the confluence of the unnamed creek and east-west field ditch, sample B was taken at the west end of the east-west field ditch near Helbig property, sample C was taken at the east end of the east-west field ditch, and sample C1 was taken in the unnamed creek approximately 50 feet downstream of the confluence of the east-west ditch and the unnamed creek. Sample results are attached and show evidence of manure reaching the waters of the state on neighboring property.

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Blake indicated that he would immediately begin flushing and collecting the water from the field ditches and the unnamed creek by damming up the waterway and flushing with clean water. Operations had begun before we left the site at approximately 5:15PM.

### **April 21, 2011 Reconnaissance Inspection:**

On 04/21/11 Bruce Rodely and I arrived at the unnamed creek at approximately 11:40AM to determine the status of the ditch following cleanup. We walked the creek and ditches to observe the conditions of the water following cleanup. There were no observed manure solids in the ditches or creek on the date of inspection and the water appeared clear. We proceeded to the farm and met with Blake Helbig. I told Blake that the ditch appeared to be clean and he indicated that they worked most of the night on 04/19/11 to flush the ditches and clean up pooled water in the unnamed creek to complete work before a forecast rain event. I indicated that we needed perform a complete inspection of the facility and review their CNMP. Blake indicated that the CNMP was currently being updated and they would be able to meet with us on 04/26/11 for an inspection of the facility with the updated CNMP. We left the facility at approximately 3:15PM.

### **April 26, 2011 Facility Inspection:**

On 04/26/11 Bruce Rodely and I arrived at the FAY BLA MAR Dairy at approximately 12:50 PM and met with Marvin Helbig to complete a facility inspection. We met in the shop, reviewed the CNMP, records, and completed most of the inspection checklist. Facility information can be found on the 04/26/11 checklist. We toured the facility and there were no discharges noted at the time of inspection. We left the facility at approximately 3:15 PM.

### **Summary/Proposed Actions:**

It appears a significant heavy rainfall immediately after land application caused manure to runoff from the land application site into field ditches reporting to an unnamed creek on neighboring property without knowledge of the producer. Manure was applied consistent with the requirements of the CNMP and pursuant to 40CFR122.23(e)(1), “a precipitation-related discharge of manure, litter, or process wastewater from land areas under the control of a CAFO is an agricultural stormwater discharge”. Therefore, recommended actions are to issue a Violation Notice for Section 12(a) of the Act “No Person Shall Cause or Threaten or Allow the discharge of any contaminants into the environment so as to cause or tend to cause water pollution in Illinois” and Section 12(d) of the Act “No Person Shall deposit any contaminants upon the land in such a place and manner so as to create a water pollution hazard” and 35 IAC 560.207 “livestock waste should not be applied during rainfall or to saturated soil and judgment should be used in planning waste application in conjunction with weather patterns”. Recommendations include: Refrain from land application activities of manure to wet soils and when there is a significant chance of precipitation forecast within 24 hours of the application date. Maintain a buffer of 200 feet from standing waters. Provide a vegetative buffer between active land application and field ditches/waterways.